

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re J.L., a Person Coming Under the Juvenile Court Law.	B231854
THE PEOPLE,	(Los Angeles County Super. Ct. No. VJ40126)
Plaintiff and Respondent,	
v.	ORDERING MODIFYING OPINION AND DENYING PETITION FOR REHEARING
J.L.,	[No Change In Judgment]
Defendant and Appellant.	

GOOD CAUSE appearing, the opinion filed June 12, 2012, in the above entitled matter is hereby modified as follows:

1. On page 4, lines 3-4, of DISCUSSION Section A.2., eliminate the sentence that begins “As to the actual attack . . .” and ends “on defendant’s head” and replace it with the following: “As to the actual attack, the evidence was that appellant used his hands and feet to hit, kick, and stomp on Isaac’s head.”

2. On page 4, line 6, of DISCUSSION Section A.2., eliminate the phrase “hit and kneed Isaac” and replace it with “punched Isaac in the face and kicked him in the shoulder”

3. On page 5, line 1, eliminate “10” and replace it with “multiple.”

4. On the last line of page 5, add the following footnote after the sentence that ends “was used as a deadly weapon.”: “As appellant notes in his opening brief, the

petition alleged that he used his feet and fists as deadly weapons, and did not mention the sidewalk. Appellant also notes that defense counsel did not object that the use of the sidewalk was uncharged when the prosecution first raised the theory during closing argument, which we deem an implied concession that the issue was waived. (*People v. Toro* (1989) 47 Cal.3d 966, 973, disapproved on other grounds by *People v. Guiuan* (1998) 18 Cal.4th 558, 568, fn. 3.)”

[end of modifications]

No change in judgment.

Appellant’s petition for rehearing is denied.

BIGELOW, P. J.

RUBIN, J.

GRIMES, J.